



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

*Am*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,068	10/10/2001	Jacques Camerini	SCHN:009	4672
27890	7590	06/28/2005	EXAMINER	
STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			AILES, BENJAMIN A.	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/973,068	CAMERINI ET AL.
Examiner	Art Unit	
Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the Amendment filed 21 April 2005.
2. Claims 1-13 remain pending.

#### ***Specification***

3. The amendment to the abstract has been entered into the record. The abstract is now in conformance. The objection to the abstract has been withdrawn.

#### ***Claim Objections***

4. Claim 1 is now in conformance and the objection to claim 1 has been withdrawn.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Synnestvedt et al. (U.S. 6,598,057), hereinafter referred to as Synnestvedt.

7. Regarding claim 1, Synnestvedt disclose a configuration method for an automation module on a TCP/IP network which at least one item of automation equipment also is connected, the method in sequence comprising:

assigning an application name for the automation module, said application name being unique on the TCP/IP network (col. 2, lines 47-51 and col. 4, lines 60-63);

sending by the automation module a request address query on the TCP/IP network, the request address query comprising the application name of the automation module and being in conformance with DHCP protocol (col. 3, lines 43-48, col. 4, lines 5-8, and col. 5, lines 36-41); and

sending by the automation module a read configuration query in conformance with FTP or TFTP protocol, on the TCP/IP network, to an FTP/TFTP server (col. 3, lines 40-53, specifically lines 44-48).

8. Regarding claim 2, in accordance with claim 1, Synnestvedt disclose the configuration method wherein one of said automation equipment connected to the TCP/IP network comprises a DHCP server compliant with DHCP protocol (col. 3, lines 62-67),

9. Regarding claim 3, in accordance with claim 1, Synnestvedt disclose the configuration method wherein one of said automation equipment connected to the TCP/IP network comprises an FTP/TFTP server (col. 3, lines 62-67).

10. Regarding claim 4, in accordance with claim 1, Synnestvedt disclose the configuration method wherein sending by the automation module further comprises the automation module receiving a response to the request address query from a DHCP server, said response containing an IP address and a location of a data file specific to the automation module, making possible sending by the automation module a read configuration query (col. 4, lines 5-8, col. 5, lines 28-32, and col. 6, lines 20-24).

11. Regarding claim 5, in accordance with claim 4, Synnestvedt disclose the method wherein the read configuration query uses the location of the data file for the automation module (col. 3, lines 44-48 and col. 4, lines 60-63).

12. Regarding claim 6, in accordance with claim 5, Synnestvedt disclose the configuration method additionally comprising sending by the automation module a read configuration query receiving by the automation module a response to the read configuration query from the FTP/TFTP server, the response containing the data file for the automation module, so that the automation module can then change to an operational state (col. 4, lines 5-8, col. 5, lines 28-32, and col. 8, lines 19-22).

13. Regarding claim 7, in accordance with claim 6, Synnestvedt disclose the configuration method wherein the data file of the automation module is identified by the application name of the automation module (col. 4, lines 60-62).

14. Regarding claim 8, in accordance with claim 6, Synnestvedt disclose the configuration method wherein when the automation module is in an operational state, the automation module sends a write configuration query on its own initiative to the FTP/TFTP server to update or save all or some of the automation module data file (col. 3, lines 46-53, col. 4, lines 21-26, and col. 5, lines 22-26).

15. Regarding claim 9, in accordance with claim 6, Synnestvedt disclose the configuration method wherein when the automation module is in an operational state, the automation module sends a read configuration query on its own initiative to the FTP/TFTP server to check or reload all or some of the automation module data file (col. 5, lines 22-26).

16. Regarding claim 10, in accordance with claim 1, Synnestvedt disclose the automation assembly for implementing a method of configuring an automation module, the automation assembly comprising at least one automation module connected to a TCP/TCP network and equipped with a first processing unit connected to a first storage means and to a first network communication interface, wherein the automation module is for storing an application name specific to the automation module in the first storage means, and for executing a DHCP client process and an FPT/TFTP agent process in the first processing unit (col. 3, lines 41-44 and col. 3, line 54 - col. 4, line 8).

17. Regarding claim 11, in accordance with claim 10, Synnestvedt disclose the automation assembly comprising first automation equipment connected to the TCP/IP network and equipped with a second processing unit connected to a second storage means and to a second network communication interface, wherein the first automation equipment is for executing a DHCP server process in the second processing unit and for memorizing a configuration table in said second storage means, thereby associating the application name of at least one DHCP client process with an IP address and a location of a data file (col. 3, lines 41-44, col. 3, line 54 – col. 4, line 8, col. 4, lines 61-63, and col. 6, lines 20-24).

18. Regarding claim 12, in accordance with claim 11, Synnestvedt disclose the automation assembly comprising a second automation equipment connected to the TCP/IP network and comprising a third processing unit connected to a third storage means and to a third network communication interface, wherein the second automation equipment is for executing an FPT/TFTP server process in its processing unit and for

Art Unit: 2142

memorizing a data file corresponding to at least one FTP/TFTP agent process in said third storage means (col. 3, lines 41-44, col. 3, line 54 – col. 4, line 8, col. 4, lines 61-63, and col. 6, lines 20-24).

19. Regarding claim 13, in accordance with claim 11, Synnestvedt disclose the automation assembly wherein the first automation equipment is for executing an FTP/TFTP server in said second processing unit and for storing a data file corresponding to at least one FTP/TFTP agent in said second storage means (col. 3, lines 40-53).

#### ***Response to Arguments***

20. In response to applicant's arguments for claim 1, the recitation "an automation module on a TCP/IP network to which at least one item of automation equipment also is connected" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

#### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday through Friday, 7:30-5, First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER

BAA